

APPEAL NO. 031389  
FILED JULY 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 1, 2003. The hearing officer determined that the appellant (claimant) sustained a compensable (low back) injury on \_\_\_\_\_, and has had disability from August 17 through October 3, 2002. The hearing officer's determination on the compensable injury has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals the disability determination, contending that no doctor has released him to full duty and that a doctor's release to light duty without a bona fide offer of employment (BFOE) does not end disability. The claimant also forwarded some "Additional information", which was received by the Texas Workers' Compensation Commission on June 30, 2003. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The claimant, an elementary school teacher, sustained a compensable low back injury on \_\_\_\_\_, moving a desk. At issue is the period of disability. The claimant was taken off work, pending some steroid injections, after the \_\_\_\_\_, injury. A functional capacity evaluation (for a prior knee injury not at issue here) performed on September 10, 2002, "revealed [the claimant's] ability to perform at a medium-heavy physical demand level." No back complaints were noted. Dr. X, a self-insured required medical examination doctor, performed an examination on October 3, 2002, and in a report dated October 17, 2002, diagnosed a lumbar strain and released the claimant to return to work "in a limited capacity" with a lifting restriction of less than 25 pounds and a comment that the claimant could "perform his job as a teacher." The claimant's job description, in evidence, includes a requirement of "lifting/carrying work related items weighing under 25 pounds such as papers, books . . . ." The claimant contends that a light-duty release is evidence that disability continues. The hearing officer determined that pursuant to Dr. X's report, the claimant could perform the duties of an elementary school teacher.

Disability is defined as the inability because of the compensable injury to obtain and retain employment at the preinjury wage. Section 401.011(16). The hearing officer found that the claimant could return to his preinjury employment as of October 3, 2002, (the date of Dr. X's examination). The end of disability, therefore, does not depend on a BFOE by the self-insured.

The claimant submits "Additional information" well after the time for filing his appeal. We do not normally consider information submitted for the first time on appeal.

In this case, the claimant submits additional medical reports, including a designated doctor's report certifying a June 2, 2003, maximum medical improvement date. The information submitted does not meet the standards of Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ), which would require a remand.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JG**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE).**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Judy L. S. Barnes  
Appeals Judge

\_\_\_\_\_  
Margaret L. Turner  
Appeals Judge